

TAM:DBS:mel:2000V00753

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI, :
Plaintiff : Civil No. 1:CV-00-1449
: (Caldwell, J.)
v. : (Smyser, M.J.)
:
KATHLEEN HAWKES, et al., :
Defendants : Electronically Filed

DEFENDANT'S MOTION FOR EVIDENTIARY HEARING

Defendant Goldring requests the Court to conduct an evidentiary hearing to resolve the factual dispute concerning plaintiff's exhaustion of administrative remedies with respect to his access to the courts claim. A brief in support of this motion has been filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that, in an effort to comply with Local Rule 7.1, we have sent plaintiff a letter asking him to inform the Court whether he concurs in defendant's motion. A copy of the letter is attached for the Court's convenience.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

s/ D. Brian Simpson
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Dated: January 20, 2004

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Plaintiff : Civil No. 1:CV-00-1449
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That on January 20, 2004, she served a copy of the attached

DEFENDANT'S MOTION FOR EVIDENTIARY HEARING

by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

M. Ash-Sharief Al'Askari
5737 N. 12th Street
Philadelphia, PA 19141

s/ Michele E. Lincalis
MICHELE E. LINCALIS
Paralegal Specialist